App F IX 4

Previous References

1945-46
nil

File No 10-45
Serial Nos 209, 210

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Africa

SUBJECT

Permitting a change of 3 ft wide in front of the New Kenyera Gate police station

X 1076 3-3 11 4-46

To Mr. Mid Comm
B Secty

Issues instructions in the matter of ——

C/F 69]

3010
L

Continuation Sheet ML File No / Current No of 44 Page

Letter No A4: PR: 147/44-B 2-11-44 from the Mla Comm: Bgs forwarding for necessary action a Copy of the resolution of the Mld: 26-8-44 to the effect that the Mld: should insist upon plans being furnished before-hand by the Road Deptt: to the Mld: for the Construction to be taken up by them & that Govt might be requested to issue necessary instructions in this behalf from

A/ Submitted for approval the Chief Engineer for Roads and Buildings & the Govt Architect will also be Consulted Kilby 25/11 2 Action may be taken in the first instance

Law Legl 25/11

3 Cus 27 11 44

Forwarded with Compliments to the Chief Engineer for Roads & Buildings for favour of remarks

Por order

27/11/44

for sent to Govt Law Deptt 29/11

SECY LAW DEPT 1944 GOVT OF MYSORE

210-96 Or 27-11-44

OFFICE OF THE CHIEF ENGINEER OF ROADS REGD NO 210 DATE 1-12-44

OFFICE OF THE CHIEF ARCHITECT Regd No 870/1744 Date 1/12/44 P W D BANGALORE

1318 dated 1/12/44

(1) Govt Buildings are designed by the government Architect and sanctioned by the C E (C+B) who is the highest technical authority in the matter and takes full responsibility that the buildings are in conformity with all existing rules and regulations.

(2) It is therefore not necessary nor desirable to send plans of Government Buildings to the Municipality, provided that such buildings do not encroach into Municipal property

(3) For purposes of co-ordination and in order to safeguard a planned development of building in City limits, it is however desirable that the Municipal Commissioner, the Town Board Engineer, and all Govt Departments inform the Director of Town planning (Chairman of the Town Planning Committee) of all important building projects in City Limits

30/11/44

I agree with the views expressed above by the Government Architect the powers of the Municipality cannot be accepted

Law Secy 1/12

No 214
2.12.44

SECY LAW DEPT 4468 ? - '44 GOVT OF MYSORE

Addl C/C & C E R+B

If approved, the above views will be communicated to the Mil Comm

Law Secy 2/12

SECY LAW DEPT 45 GOVT OF MYSORE

(1) Can the Municipality succeed in its powers of Law

4.12.44

11) A copy of the Bye laws framed by the Bangalore city Municipality, regarding projections over public streets is sent up

12) Kind reference is requested to Rule 9 (b) at page 29 --- Refer para 10 supra.

13) Consent Law Secretary

14) Perusal of opinion

Sub Rule (1) of Sec 56 Act Legislative Law may be read with para 10 supra

15) The point for consideration is whether the Bangalore City Municipality could insist on building plans being submitted to the Municipality before construction (vide building site Govt) only

16) S 51 (1) (v) empowers the City Municipality to frame bye-laws regulating the conditions on which permission may be given for temporary occupation or the erection of temporary structures on public streets or for projection of over public streets and regulating the structure and dimensions of plinths, walls, foundations etc. for the purpose of securing stability

17) S 82 of the same Act provides levy of fee for granting licence in such cases and penalties in case when no licence was taken

10622/p

C F ( )

Continuation Sheet | File No / Current No | or | Page

Read up as recited to the bye-laws framed under the above sections and duly sanctioned by Govt, cl 9 (b) we state that for in case streets which are not less than 15 feet in width, permission may be granted for the putting up of wooden boards, sunshades, drop-boards &c not exceeding 2½ feet

It, it appears, the bye-laws, as the rules do not make any exception in regard to Govt buildings. Under the circumstances of the Govt Building, of the nature contemplated under S 51 (1) (v) read with cl 9 (b) of the bye-laws, are to be constructed, the plans have to be submitted to the Municipality and permission obtained thereof. Submitted with reference to the opinion of A city & City Municipal Act VII IX p 195 is put up in pursuance of S 51 (1) (v) read with

NMA 23/6 i) If Govt Bldg is put up 23/6 Bldgs within Municipal limits they must abide by the Municipal laws It is better that Plans are submitted to the Municipality for approval by the Architect. Bye-laws 9 (b) requires that permission of the Municipality must be taken.

Law Secy

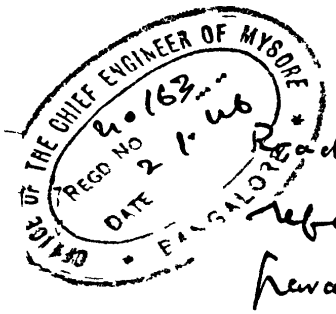
Govt Secy / Law / 3/7 — 1 cus 7-7 — Informed

3·7·/=

22 Submitted with a draft letter according to the opinion of the Law Section

23) The question regarding for the Committee's [illegible] for 1/7/45

Submitted



24) For the opinion of the Chief Engineer for Roads and Buildings may perhaps be invited with reference to the provision of law, as noted in para 20 of the Notes Supra

25) Forwarded with compliments to the Chief Engineer for Roads & Buildings for furnishing further remarks in the light of the Law provision noted in para 18 of the supra and also for stating the circumstances under which the projection (chajja) of 2½ feet has been allowed in respect of the work in question

By order

for Secretary to Government

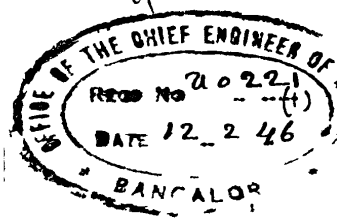
18/1/45

Submitted 21/1/45

G.A. 22/1/45

NO 1586/1pledd 8)46

Submitted to C E (R+B)



26) By law 9(a) quoted by the Law Secretary in para 20 of the notes supra is restricted to streets which are less than 15 feet in width. As the Kempegowda Police Station abuts streets of much greater width the bye-law is not applicable to the present case

27) (a) Generally it may be said
The power to frame and enforce by laws for the licensing of buildings is vested in the Municipality by Government

3. If the Government representative by the Chief Engineer considers a building plans, he will naturally advise by the rules and bye-laws under the Act, but this is only advisory. The Act empowers, but does not mean that the Chief Engineer should submit the plans for Government buildings to the scrutiny of a private officer of the Public Department ~~Chief~~ by name is the responsible for the requirements of municipal building and other municipal bye-laws

4. In suggestion of the Town Secretary the Government buildings are municipal laws should be submitted to the Municipality for approval is perhaps not practicable.

Yours
[illegible]

UO No 260 Dated 21-2-46

30) 1. As hitherto, no plans of any buildings built or proposed to be built within the Municipal limits of Bangalore City or any other towns are being sent, it may not be necessary or desirable to send such plans to the concerned Municipalities. The present system or convention prevailing over the past many decades may continue

6144/21/2

31) 2. But this does not mean that the Government Buildings in Municipal areas can infringe the bye-laws pertaining to temporary or permanent buildings and the designing officers of this Department would be required to bear in mind the restrictions placed according to the Municipal bye-laws of the locality

32) 3 A reply on the above lines would perhaps meet the points raised in the present case by the Municipal Council of the Bangalore City

33) 4 If, however, it should be considered that the letter of the bye-laws should be adhered to, then it may be necessary to exempt the Government Buildings from the operation of this or similar bye-laws.

34) 5. In this connection it may be mentioned for information that in no case any Municipal Licenses are taken as regards construction of Government Buildings in Municipal areas although according to the bye-laws, such lincenses would be necessary in the case of private buildings

35) 6 I am of opinion that no further action in the present case would be necessary beyond a [illegible] to the Municipality as referred to in para 3 ab[illegible]

Rev Secy
with Complete

Chief Engineer for
and Buildings

21/2

36) The Bangalore city Municipal Council has resolved that, in respect of the Govt buildings constructed within the city Municipal limits, the Municipality should insist upon plans being furnished beforehand by the Govt Departments This resolution is in accordance with the Bye-laws framed by the Municipality regarding projections over public streets

37) The Chief Engineer for Roads and Buildings and the Govt Architect are not in favour of the proposal, on the ground that, such a procedure is not adopted hitherto

38) Kind reference is invited to para 31 of the Notes Supra, wherein the Chief Engineer has stated that the designing officers of the P W Dept would be required to bear in mind the restrictions placed according to the municipal Bye-laws of the locality

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L

3) He has further stated that if the letter of the bye-laws should be adhered to, then it may be necessary to exempt the Government buildings from the operation of this or similar bye-laws

6762/E/13

4) If approved the Municipal Comr Bangalore city will in accordance with the opinion of the Chief Engineer be informed that the designing officers of the P W D have been instructed to adhere to the provisions of the Byelaws relating to "projections over public streets" framed by the Bangalore city Municipal Council

A

A - will be done, if approved

4/3

Revised Draft 5/3/14

Maybe done

Minister for Ed[illegible] 8/3/14

8/3/14

11/3/14

Draft letter 11/3/14

11/3/14

[illegible] 9 3 46 5248

3070

Subd with a draft to the Municipal Council Bangalore City for appl

AP 10/3-

Supdt Dtf. to revise the draft thereof

for 14/3/46

Draft subd for approval

JL 20/3

Revised 29/3/46

Issue Law

for 30/3/46

TYPING SECTION
1 APR. 1946

To The Municipal Council Bangalore City

L 10763 / Mil 10-43-210 dt 11-4-46

Issues instructions accordingly

L 10763 dt 11-4-46

Copy for info

B

ML 10-45-209.

BANGALORE CITY MUNICIPALITY 3070/L

No A4-Pr. 147/44 MUNICIPAL OFFICES

Encl one

Bangalore 2nd November 1944

FROM R. Madhavan, Esq , B E ,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

SEOY LAW DEPT 1944 GOVT OF MYSORE

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Govt
Law Department, BANGALORE

SIR

I have the honour to state that a building is being constructed by the Assistant Engineer in Aralepet, Bangalore City, for locating Fengeri gate Police Station The Sub-Overseer of this Municipality reported that the chajja in front of this building would project 3 feet beyond the regular line of street and that a reference should be made to the Assistant Engineer to send a copy of the sanctioned plan with a request for stopping the work of putting up the chajja till the plans are approved by the Municipality Accordingly, a reference was made by the Municipal Engineer to the Asst Engineer, Buildings Range in the matter In reply, the Asst Engineer stated that, as per the plan of the Government Architect, 3½ feet projection had to be allowed, but on further consideration, it was found necessary to allow 2½ feet projection and requested that a chajja of 2½ feet might be allowed as the work had to be completed

The matter was placed before the Municipal Council, who at their meeting held on 26-8-1944, have permitted the chajja and have further resolved that the Municipality should insist upon plans being furnished beforehand by the Government Departments to this Office for the construction to be taken up by them and that the Government might be requested to issue necessary instructions in this behalf A copy of the said resolution is herewith forwarded for favour of necessary actio in the matter

I have the honour to be,
Sir,
Your most obedient servant
R Madhavan 3/11
Municipal Commissioner T/C

"Proceedings of the Council Meeting dated

Subject No 39 - In the matter of permitting a chajja of 3 feet wide of the newly constructed Kengeri Gate Police Station

Mr G Nanjappa said that it was desirable that the Government should also give a plan of the building they were putting up before starting the construction and that this they should insist upon them He said that a reference may be made to Government requesting them to issue necessary instructions in this behalf

Resolution - The chajja is permitted and the suggestion of Mr G Nanjappa is approved

Sd C N Narasinga Rau,

Hon President

"Copy"

R. Jagannathan

Municipal Commissioner I/C.

ksm

pr 60-45-46

L 10763 of 4.4.46

To

The Municipal Commissioner,
Bangalore city

Through - The President, C M C B'lore

subject - Permitting a chajja of 3 feet wide in front of the New Kengeri Gate police station

---

Sir,

With reference to your letter No 44-pr 147/44 dated 2nd November 1944 on the above subje-ct, I am directed to state that the Chief Engineer for Roads and Buildings who was consulted in the matter intimates that, so far no plans of any public buildings built or proposed to be built within the municipal limits of Bangalore city or of any other town are being sent to the concerned municipal council for approval before starting the work and that the present practice may continue It is however, necessary to see that the Government buildings constructed in municipal areas do not infringe the building byelaws in force of the municipality and that on the contrary the designing officers of the Public Works Department who are entrusted with the preparation of designs of Government buildings would be required to bear in mind the restrictions placed according to the land byelaws of the locality In this view, Government consider that the plans for buildings need not be referred to the Municipal Councils concerned as suggested by you The Chief Engineer for Roads and Buildings has been

requested to instruct the designing officers of the public works Department to adhere to the provisions of the Building byelaws of the Bangalore city Municipality, ~~and~~ especially those relating to the projections over public streets

I have etc

Nov 30/3/46

secretary to Govt,
Revenue Deptt

L 10764 & 11 4.46.

Copy of the above is forwarded w/c to the Chief Engineer for R & B. for information and necessary action

B O

secretary to Govt
Revenue Deptt

301
30/3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 10763/Rev 10-45-240 Dated Bangalore, 11.4.46

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Revenue Department.

To

The Municipal Commissioner,
Bangalore City,
Through the President, City Municipal Council,
Bangalore.

SUBJECT. Permitting a chajja of 3 feet wide in front of the New Kergeri Gate Police Station.

Sir,

With reference to your letter no.44-Pr 147/44 dated 2nd November 1944 on the above subject, I am directed to state that the Chief Engineer for Roads and Buildings who was consulted in the matter intimates that so far as plans of any public buildings built or proposed to be built within the municipal limits of Bangalore City or of any other town are being sent to the concerned municipal councils for approval before starting the work and that the present practice may continue It is, however, necessary to see that the Government buildings constructed in municipal areas do not infringe the building byelaws in force in the municipality and that, on the contrary, the officers of the public works Department who are entrusted with the preparation of designs of such buildings would be required to bear in mind the restrictions placed according to the said byelaws. In this light of the above observations Government consider that the plans for buildings need not be referred to the municipal councils concerned as suggested by you. The Chief Engineer for Roads and Buildings has been requested to instruct the designing officers of the Public Work Department to adhere to the provisions of the building byelaws of the Bangalore City Municipality, especially those relating to the projection over public streets.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- J B Mallaradhya,
Secretary to Government,
Revenue Department.

er/3

p t o

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Memo No. 2' 10764

Dated, Bangalore, the 1' April 1946.

Copy of the foregoing is forwarded, with compliments, to the Chief Engineer for Roads and Buildings for information and necessary action

By Order,

Secretary to Government,
Revenue Department.